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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 UNITED STATES OF AMERICA,)	No. CR 05-00505
14 Plaintiff,)	
15 v.)	STIPULATION REGARDING
16 CURTIS SALISBURY,)	EXCLUDABLE TIME AND [PROPOSED]
17 aka geewhzz, aka 00713,)	ORDER
18 Defendant.)	
19)	

20 It is hereby stipulated and agreed between defendant Curtis Salisbury, and his defense
21 counsel, and the United States as follows:

22 On August 18, 2005, defendant Salisbury was arraigned on a five-count indictment, charging
23 as follows: Count One: Conspiracy to Commit Criminal Copyright Infringement, in violation of
24 18 U.S.C. § 371; Counts Two and Three: Copyright Infringement By Distributing A
25 Copyrighted Work on a Computer Network, and Aiding and Abetting, in violation of 17 U.S.C. §
26 506(a)(1)(C), 18 U.S.C. §§ 2, 2319(d)(2); Counts Four and Five: Unauthorized Recording of
27 Motion Pictures in a Motion Picture Exhibition Facility, and Aiding and Abetting, in violation of
28 18 U.S.C. §§ 2, 2319B(a)(1); and Criminal Forfeiture and Destruction Allegation, in violation of

STIPULATION REGARDING EXCLUDABLE TIME AND [PROPOSED] ORDER
CR 05-00505

FILED
AUG 18 2005
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 17 U.S.C. §§ 506(b) and 509(a), and 18 U.S.C. §§ 2, 2319B(b). A status conference was set for
 2 ^{9/26}~~August~~ __, 2005 at 9:00 a.m. before the Honorable Ronald M. Whyte.

3 In this case, the government is providing initial discovery to the defense. A substantial
 4 amount of discovery consists of digital evidence. The parties stipulate and move the Court to
 5 exclude time under the Speedy Trial Act from the date of the arraignment, August 18, 2005, until
 6 the next status conference on September 26, 2005, because the parties believe that the ends of
 7 justice served by the granting of such a continuance outweigh the best interests of the public and
 8 the defendant in a speedy trial, particularly since reasonable time is needed for the defense to
 9 prepare for pretrial and trial matters, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii).
 10 The parties further stipulate that time may be excluded for reasonable time for defense
 11 preparation, since the failure to exclude time would deny counsel for the defendant reasonable
 12 time necessary for effective preparation, taking into account the exercise of due diligence,
 13 pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(iv). There are also three co-defendants in
 14 this case and time was previously excluded from July 14, 2005 to September 26, 2005, which
 15 presents a separate basis for exclusion, pursuant to 18 U.S.C. §§ 3161(h)(7) (excluding time for
 16 reasonable period of delay when the defendant is joined for trial with a codefendant as to whom
 17 the time for trial has not run and no motion for severance has been granted).

18 So stipulated.

19 Dated: August 18, 2005


KEVIN V. RYAN
 United States Attorney



MARK L. KROTOSKI
 Assistant United States Attorney

23 So stipulated.

24 Dated: August 18, 2005




Attorney for Defendant Salisbury

ORDER

Based upon the foregoing Stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED that the time between August 18, 2005 and September 26, 2005 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation.. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial based upon the grounds set forth above.

DATED: August 18, 2005


PATRICIA V. TRUMBULL
United States Magistrate Judge